

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FREDERICK CONNORS,

Plaintiff,

vs.

FRONTIERLAND COMMUNICATIONS, *et al.*,

Defendants.

Case No. 2:12-cv-00319-LDG-CWH

FINDINGS AND
RECOMMENDATION

Plaintiff submitted an Application to Proceed *in Forma Pauperis* (#1) and Complaint on February 28, 2012. On August 10, 2012, the Court granted Plaintiff's Application to Proceed *in Forma Pauperis* (#1) and ordered the Clerk of the Court to file Plaintiff's Complaint. In addition, the Court ordered that the Complaint be dismissed without prejudice and granted Plaintiff thirty (30) days from to file an amended complaint correcting the noted deficiencies.

Plaintiff did not adequately allege a violation of the Constitution, laws, or treaties of the United States. He simply declared that his privacy rights were violated without any reference to any specific federal law. As a result, the Court found that Plaintiff did not adequately demonstrate that this Court has subject matter jurisdiction based on a federal question. Plaintiff also failed to plead sufficient facts demonstrating that this Court had jurisdiction pursuant to 28 U.S.C. § 1332. Finally, the Court found that Plaintiff also failed to state a plausible claim for relief because he did not provide any factual support for his claims. More than thirty days have elapsed since the Court's Order dismissing Plaintiff's Complaint without prejudice and Plaintiff has not submitted an amending complaint with sufficient facts correcting the noted deficiencies. Accordingly,

RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiff's Complaint (#1-1) be **dismissed with prejudice** because Plaintiff failed to file an amended complaint within 30 days of the Court's

1 August 10, 2012 Order.

2 **NOTICE**

3 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
4 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
5 held that the courts of appeal may determine that an appeal has been waived due to the failure to
6 file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit
7 has also held that (1) failure to file objections within the specified time and (2) failure to properly
8 address and brief the objectionable issues waives the right to appeal the District Court's order
9 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
10 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

11 DATED this 10th day of September, 2012.

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14 **C.W. Hoffman, Jr.**
15 **United States Magistrate Judge**
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